

port it back with the recommendation that it do not pass.

The bill seeks to change the law in regard to garnishments, and provides for relieving, and effects debts or claims that have been garnisheed.

Respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, January, 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to which was referred Senate bill No. 75, entitled "An act to amend title 17, chapter 1, of the Revised Civil Statutes, by adding thereto Articles 343a and 343b," have carefully examined the same and instruct me to report it back with the recommendation that it do not pass.

The bill seeks to allow cities and towns incorporated under the general law to dissolve and abandon the corporation by a majority vote of their citizens.

Respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, January, 28, 1887. }

To Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to which was referred Senate bill No. 61, entitled "An act creating boards of equalization for cities and towns, and defining their duties," have examined the same, and instruct me to report it back with the recommendation that it be referred to the Committee on Finance, to which it properly belongs.

Respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, January, 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to which was referred Senate bill No. 69, entitled "An act to amend Article 156, chapter 1, title 9, of the Revised Civil Statutes," have carefully considered the same and instruct me to report it back with the recommendation that it do not pass.

The bill seeks to change the law in regard to litigants and sureties in cases of attachment, and provides that no bond shall be required when suit is against non-residents or foreign corporations.

Respectfully submitted.

TERRELL, chairman.

Bill read first time.

On motion of Senator Woods,

The Senate adjourned till 11 o'clock Monday morning.

EIGHTEENTH DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, January 31, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator MacManus the reading of the journal of Saturday was dispensed with.

The President gave notice of signing Substitute Senate bill No. 74: "An Act for the Relief of the Drouth Sufferers of Texas and making an Appropriation therefor."

On motion of Senator Camp, Senator Terrell was excused for today.

On motion of Senator Glasscock, Senator Houston was excused for today.

On motion of Senator Gregg, Senator Allen was excused for today.

On motion of Senator Upshaw, Senator Simkins was added to the Committee on Internal improvements.

PETITIONS AND MEMORIALS.

BY SENATOR MACMANUS:

Petition of citizens of Cameron county against the adoption of pending bill regulating telegraphs and telephones and against special legislation on these subjects.

Referred to Committee on Internal Improvements.

BY SENATOR CAMP:

Petition of citizens of Tyler, Smith county, protesting against the passage of the bucket shop bill.

Ordered to lie on the table to be considered in connection with the bill to

which it relates, the same having been reported by committee.

BY SENATOR CLAIBORNE.

Petition of citizens of Galveston, protesting against the passage of the Moore (House) insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR HARRISON.

Petition from citizens of McLennan and Limestone counties against the organization of the new county of Ross.

Referred to Committee on Counties and County Boundaries.

And a petition of citizens and business men of Waco and McLennan county against the passage of the Moore (House) insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR JARVIS.

Memorial of citizens of Wise County relative to Drouth Sufferers.

Referred to Committee on Finance.

Petition of citizens of Wise County protesting against the passage of bill relating to Insurance Companies.

Referred to Committee on Insurance Statistics and History.

Petition of citizens of Ft. Worth relative to bill to prevent Insurance Companies from entering into agreement as to Insurance etc.,

Referred to Committee on Insurance Statistics and History.

BY SENATOR BELL.

Protests by citizens of Belton and Temple against the passage of the Jarvis Telephone bill.

Referred to Committee on Internal Improvements.

SENATOR ABERCROMBIE.

Sent up the following privileged report :

COMMITTEE ROOM, {

AUSTIN, January 31, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Substitute Senate bill No. 74, being "An act to provide for the relief of citizens of Texas suffering by reason of the drouth, to make an appropriation therefor and to provide the manner in which it shall be distributed," beg leave to report, and find the same correctly enrolled, and have this day at 11 o'clock and 10 minutes a. m., presented the same to the Governor for his approval.

ABERCROMBIE, Chairman.

COMMITTEE REPORTS.

BY SENATOR GREGG:

COMMITTEE ROOM, }

AUSTIN, January 31, 1887. }

Hon. T. B. Wheeler, President of the Senate

Sir—Your Committee on Internal Improvements to whom was referred S. B. No. 103, entitled, "An Act to authorize railway companies to abandon certain portions of their roads near the coast, where their termini are at points where towns, being county sites, have been destroyed by storms and cyclones, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass. The object of the bill is to allow railway companies, having their termini on the coast, at cities which are county sites, to take up their track and change their termini to such places as may be selected as new county sites along or near the line of said railway, when such original termini and county sites have been destroyed and abandoned, all of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

BY SENATOR BELL:

COMMITTEE ROOM, }

AUSTIN, January 29, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom referred Senate bill No. 120, entitled "An act to prevent gambling in grain, stocks, petroleum, wool, cotton and provisions," have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in connection with and at the same time of Senate bill No. 7, which is a bill on the same subject, and seeking the same object.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, January 29, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 62, the same being "A bill to be entitled an act to prevent the unauthorized enclosure of land and to make the maintenance of existing unauthorized enclosures of such Penal," have carefully examined the same and

instruct me to report it back with the accompanying substitute, and recommend that the substitute do pass.

All of which is respectfully submitted.

BELL, Chairman.

Substitute and bill read first time.

COMMITTEE ROOM, }

AUSTIN, January 29, 1887 }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 42, entitled "An act to amend the Penal Code of the State of Texas, chapter 3, title 17, by adding thereto Article 683a, and amend Article 683," have carefully considered the same and instruct me to report it back, with the accompanying substitute, and recommend that the substitute do pass.

All of which is respectfully submitted.

BELL, chairman.

Substitute and bill read first time.

SENATOR WOODS

From the same committee submitted the following minority report:

MINORITY REPORT ON S. B. 62.

SENATE CHAMBER, }

AUSTIN, January 31, 1887 }

Hon. T. B. Wheeler, President of the Senate:

The undersigned, a minority of Judiciary Committee No. 2 to which was referred Senate bill No. 62, make this a minority report and say that said bill ought not to become a law because it is believed said bill contains dangerous features, etc.

Resident citizens in the Southern, Eastern and Northern portions of the State may be indicted, arrested and carried to the city of Austin for trial under the provisions of Section 9, of the bill.

The bill may have been intended to protect "public land" yet it includes all land in the State. It might be policy to give jurisdiction to Travis County over that section where justice can not be had either for the State or defendant against inclosing public land. I do most seriously object and protest against jurisdiction being given to Travis county over those sections where justice can be had and where no complaint has been heard.

WOODS.

BY SENATOR BELL:

COMMITTEE ROOM, }

AUSTIN, January 29, 1887 }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 51, entitled "An act to protect the personal and property rights of every person, firm and corporation in this State, and to provide a penalty for the violation thereof," have had the same under careful consideration, and instruct me to report it back with the accompanying substitute, and recommend that the substitute do pass.

All of which is respectfully submitted.

BELL, chairman.

Substitute and bill read first time.

BILLS AND RESOLUTIONS.

BY SENATOR M'DONALD.

Resolved, That the Sergeant-at-Arms be instructed to procure and hang on the wall of the Senate Chamber in a conspicuous place a black-board, upon which the Secretary shall keep standing a true and complete list of all special orders.

Adopted.

BY SENATOR LANE.

"A Bill to be entitled an act to permit the creation of private corporations for the purpose of buying and selling general merchandise, farm products, wool, hides, all kinds of country produce, farm supplies and mechanical supplies, and to prescribe a mode for creating the same." The bill provides that private corporations may be created by the voluntary association of ten or more persons of this state for the transaction of mercantile business; and the bill prevents any one owning more than \$250 of stock, requires ten to charter, forfeits charter if less than ten ever own the whole stock, and in such cases makes the stockholders liable as partners for debts contracted after forfeiture.

Referred to Judiciary Committee No. 1.

BY SENATOR CLAIBORNE.

By request.

An act to validate the titles to lands reserved from location at the time the same were filed on or patents issued thereto.

Referred to Judiciary Committee No. 1.

BY SENATOR STINSON:

A bill to be entitled "An act to

amend Article 2219, chapter 2, of the Revised Civil Statutes of Texas."

The bill relates to taking interrogatories in civil suits, and notices of intention, etc., etc.

Referred to Judiciary Committee No. 2.

BY SENATOR BURNLEY.

A bill to be entitled "An act to amend Chapter 3, title 9, of the Penal Code by adding thereto Article 314a."

The bill provides that if any male person over twelve years of age shall, in the presence of any female over the age of four years, use any obscene, vulgar or indecent language, etc., he shall be fined not less than \$10, nor more than \$200.

Referred to Judiciary Committee No. 2.

BY SENATOR ARMISTEAD:

"A bill to be entitled an Act to limit the power of corporations to acquire or own real estate or any interest therein, in the State of Texas."

The bill makes it unlawful for any corporation, except railway and canal, to own real estate except for building purposes.

Referred to Judiciary Committee No. 1.

BY SENATOR DOUGLASS OF JEFFERSON:

"An act to amend Article 503 of the criminal code." The bill would amend Article 503 to read:

"If any person shall assault a woman or a female under the age of ten years, with intent to commit the offense of rape, he shall be punished by confinement in the penitentiary for not less than two, nor more than seven years."

Referred to Judiciary Committee No. 2.

Also "An act to amend Article 528 of the 'criminal code' of the State of Texas."

The bill defines rape to be the "carnal knowledge of a woman without her consent, obtained by force, threats or fraud, or the carnal knowledge of a woman who, at the time, is a lunatic, idiot, or non compos mentis, with or without her consent, and with or without force, threats or fraud, or the carnal knowledge of a female under the age of ten years, with or without her consent, and with or without force, threats or fraud."

Referred to Judiciary Committee No. 2.

BY SENATOR STINSON:

A bill to be entitled "An act to regulate the fees of sheriffs and other peace officers in misdemeanor cases."

The bill allows sheriffs five cents

per mile each way for serving process in misdemeanor cases, when conviction is obtained.

Referred to Judiciary Committee No. 2.

BY SENATOR POPE,

By leave:

Protest against the Jarvis telephone bill, from citizens of Marshall, Texas.

Referred to Committee on Internal Improvements.

A MESSAGE

Was received from the House, announcing the passage of the following bills:

House bill No. 35. "An act to amend the Revised Civil Statutes of the State of Texas, title 29, by adding thereto Article 1297a, so as to require all issues of law in civil jury trials to be decided by the courts before cases are argued to the jury; and to amend Article 1299 thereof,

And

House bill No. 47, to amend Article 528, chapter 7, title 15, of the Penal Code,

And

House bill No. 51. "An act to amend Article 318, chapter 4, title 9, of the Penal Code of the State of Texas."

House bill No. 53. "An act to amend Article 324, title 10, chapter 1, Penal Code."

And

House joint resolution No. 2. Joint, resolution to amend section 20, of Article 16, of the State Constitution.

And that

The House concurs in Senate amendments to H. B. 23, "An act to create the County of Brewster, and to provide for its organization"

WILL LAMBERT,

Chief Clerk, House of Rep's.

THE PRESIDENT

Announced as the special order for to-day consideration of Senate bill No. 7: "A Bill to be entitled an act to prohibit and punish dealing in futures, and to repeal an act entitled an act to amend chapter 2, title 2, of the Penal Code."

SENATOR STINSON

Moved that consideration of this bill be postponed until one week from to-day, stating that it was a question on which a number of Senators were not prepared to act.

SENATOR M'DONALD

Said that of course there would not be time to consider the bill at to day's session. He said this bill was substan-

tially a re-enactment of the bill passed two years ago.

The bill having already been postponed from day to day, he would now move to make it the special order for to-morrow after the morning call.

SENATOR UPSHAW

Thought a little more time was needed to consider the matter. A large number of petitions were coming in, and from the character of the men whose names were signed to these petitions, time ought to be taken in considering the subject. He therefore moved to postpone consideration until next Friday.

The amendment was accepted by Senators McDonald, and Stinson, and the bill made special order for Friday next.

THE PRESIDENT

Submitted to the Senate S. B. No. 14, "An act to define and punish the conversion of personal property by hirers, borrowers and other bailees."

SENATOR BELL.

Stated the object of the bill. He said the Court of Appeals have established it as a rule that the fraudulent intention must be proven to have existed at the very time. This creates a necessity which it is very difficult to overcome with proof, and anyone ever having had an experience as prosecuting attorney must realize the difficulties in the way of enforcing the law in reference to theft in consequence of this difficulty. By the adoption of this additional article that difficulty will be obviated.

The bill was ordered engrossed, by the following vote :

YEAS—22.

Abercrombie,	Garrison,
Bell,	Glasscock,
Burney,	Gregg,
Calhoun,	Harrison,
Camp,	Jarvis,
Claiborne,	Knittle,
Davis,	McDonald,
Douglass of J,	Pope,
Douglass of G,	Simkins,
Field,	Woods,
Frank,	Woodward.

NAYS—4.

Armistead,	Stinson,
Lane,	Upshaw.

ABSENT—2.

Burges,	MacManus.
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The President gave notice of signing of S. H. B. No. 23, "An act to create the county of Brewster, and to provide for its organization."

THE PRESIDENT

Submitted House concurrent resolution to instruct our Senators, and request our Representatives in Congress, to secure the passage of laws to punish and prevent the dealing in cotton and grain futures in the United States.

On motion of Senator McDonald, the resolution was made a special order to be considered with the bucket shop bill on Friday.

The President submitted Senate bill No. 52, "An act to provide for the separation of partition or adjoining fences, and prescribing a penalty for violation of the provisions of this act."

SENATOR HARRISON

Offered the following amendment:

"Amend line 5, section 2, on page 2, by striking out '10' and inserting '5,' and striking out '50' and inserting '25.'"

He thought the penalty ought to be equal, so as to make the penalty provided for in each section correspond. Under section 2 of the act the bill provides that the punishment shall be by fine of not less than ten or more than fifty dollars. If the penalty in the third clause is commensurate with the offense, the penalty in the second section is not.

SENATOR FRANK

Said he understood one was a penalty for violation, and the other was for continued violation.

SENATOR FIELD

Said that under section 3, there is a continuous penalty provided. Every ten days constituted a different offense and the same penalty applied, hence there was no necessity for making the penalty in the third section as much as in the first.

SENATOR HARRISON

Stated that a violation of the third clause would also be a violation of the second clause. When a person is indicted, which fine shall be imposed upon him, the fine not less than ten nor more than fifty, or not less than five nor more than twenty-five? The penalties are inconsistent, one with the other.

THE PRESIDENT:

(Senator Woods in the chair): The question is on the motion of the Senator from McLennan.

SENATOR FIELD

Said that a fine of \$5 to \$25 would not be adequate to the offense. A fence might be two or three miles long. It would not deter men, especially where bad feeling had grown among neigh-

bors. The penalty ought to be \$50 to \$500, instead of \$5 to \$25. He therefore moved to amend by striking out "ten" and "fifty" in section 2, page 2, line, 5, and insert in lieu thereof "fifty" and "five hundred."

Pending consideration of which, the President, having resumed the chair, announced that the hour of 12 o'clock having arrived, the Senate would now proceed to the hall of the House of Representatives to go into joint session with the House.

IN JOINT SESSION.

Senate roll called.

Quorum present.

House roll called.

Quorum present.

The speaker of the House announced that the two Houses were in joint session to ballot for United States Senator:

The first ballot was taken and resulted as follows:

FIRST BALLOT—Fifth Day.

Senators.	Maxey.	Reagan.	Ireland.
Abercrombie.....	1		
Allen.....			
Armistead.....	1		
Bell.....			1
Burges.....		1	
Burney.....		1	
Calhoun.....		1	
Camp.....			
Claiborne.....		1	
Davis.....		1	
Douglass of Jefferson.....			
Douglass of Grayson.....	1		
Field.....		1	
Frank.....			1
Garrison.....			1
Glasscock.....	1		
Gregg.....		1	
Harrison.....			1
Houston.....			
Jarvis.....	1		
Knittle.....			1
Lane.....		1	
McDonald.....	1		
MacManus.....	1		
Pope.....			1
Simkins.....		1	
Stinson.....	1		
Terrell.....			
Upshaw.....	1		
Woods.....			
Woodward.....	1		
House vote.....	10	7	8
Total.....	31	49	21
Total.....	41	56	29

Senators Camp, Terrell and Houston were paired.

Senator Camp would have voted for Ireland; Senator Terrell for Reagan, and Senator Houston, for Maxey.

Senators Allen, Douglass of Jeffer-

son, and Woods, were paired on the ballot.

Senator Allen, who was absent, would have voted for Reagan; Senator Douglass of Jefferson, would have voted for Maxey, and Senator Woods, for Ireland.

Representatives Gresham, Dolen and Kirlicks were also paired.

Mr. Gresham would have voted for Maxey; Mr. Dolen, for Reagan, and Kirlicks, for Ireland.

Representatives Johnson and Pope were paired.

Mr. Johnson would have voted for Reagan, and Mr. Pope, for Ireland.

SECOND BALLOT—5th day.

Senators.	Maxey.	Reagan.	Ireland.	Throckmorton.
Abercrombie.....	1			
Allen.....				
Armistead.....	1			
Bell.....			1	
Burges.....			1	
Burney.....			1	
Calhoun.....		1		
Camp.....				
Claiborne.....		1		
Davis.....		1		
Douglass of Jefferson.....				
Douglass of Grayson.....	1			
Field.....		1		
Frank.....			1	
Garrison.....			1	
Glasscock.....		1		
Gregg.....		1		
Harrison.....	1			
Houston.....				
Jarvis.....	1			
Knittle.....			1	
Lane.....		1		
McDonald.....	1			
MacManus.....	1			
Pope.....			1	
Simkins.....		1		
Stinson.....				1
Terrell.....				
Upshaw.....	1			
Woods.....			1	
Woodward.....	1			
Total.....	9	8	7	1
House.....	30	48	23	
Total.....	39	56	30	1

Senators Allen, Douglass, of Jefferson and Pope were paired on this ballot.

Senator Allen would have voted for Reagan; Senator Douglass of Jefferson, for Maxey, and Senator Pope, for Ireland.

Senators Camp, Terrell and Houston were paired.

Senator Camp would have voted for Ireland; Senator Terrell, for Reagan, and Senator Houston, for Maxey.

Representatives Gresham, Dolen and Kirlicks were paired.

Mr. Gresham would have voted for Maxey; Mr. Dolen for Reagan, and Mr. Kirlicks, for Ireland.

Representatives Johnson and Pope were paired.

The former would have voted for Reagan, and the latter for Ireland.

SENATOR STINSON

Moved that the joint session be dissolved, and that the Senators retire to the Senate Chamber.

Lost, by the following vote:

YEAS—11.

Armistead,	Glasscock,
Burges,	Knittle,
Burney,	Pope,
Camp,	Stinson,
Frank,	Woods,
Garrison,	

NAYS—17.

Abercrombie,	Harrison,
Bell,	Jarvis,
Calhoun,	Lane,
Claibourn,	McDonald,
Davis,	MacManus,
Douglass, of J.	Simkins,
Douglass, of G.	Upshaw,
Field,	Woodward,
Gregg,	

THIRD BALLOT—Fifth Day.

Sensors.	Maxey.	Reagan.	Ireland.	Throckmorton.	Shepard.
Abercrombie.....	1				
Allen.....	1				
Armistead.....					
Bell.....			1		
Burges.....			1		
Burney.....			1		
Calhoun.....		1			
Camp.....					
Claiborne.....			1		
Davis.....		1			
Douglass of Jefferson.....					
Douglass of Grayson.....	1				
Field.....		1			
Frank.....			1		
Garrison.....			1		
Glasscock.....			1		
Gregg.....		1			
Harrison.....			1		
Houston.....					
Jarvis.....	1				
Knittle.....			1		
Lane.....		1			
McDonald.....	1				
MacManus.....	1				
Pope.....					
Simkins.....		1			
Stinson.....				1	
Terrell.....					
Upshaw.....	1				
Woods.....			1		
Woodward.....			1		
House vote.....	8 29	6 50	10 21	1 1	1 1
Total.....	37	56	31	1	1

Senators Allen, Douglass of Jefferson, and Pope were

Paired on this ballot.

Senator Allen would have voted for Reagan, Senator Douglass of Jefferson, for Maxey, and Senator Pope for Ireland.

Senators Camp, Terrel and Houston, were paired

Senator Camp would have voted for Ireland; Senator Terrel, for Reagan; and Senator Houston for Maxey.

Representatives Gresham, Dolen and Kirlicks were paired.

Mr. Gresham would have voted for Maxey; Mr. Dolen, for Reagan, and Mr. Kirlicks, for Ireland.

Representatives Johnson and Pope were paired. The former would have voted for Reagan and the latter for Ireland.

SENATOR POPE

Moved that the joint session be dissolved and that the Senators retire to the Senate chamber.

Agreed to by the following vote:

YEAS—20.

Abercrombie,	Glasscock,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	McDonald,
Burney,	MacManus,
Camp,	Pope,
Claiborne,	Stinson,
Douglass of J.	Upshaw,
Frank,	Woods,
Garrison,	Woodward,

NAYS—8.

Calhoun,	Gregg,
Davis,	Harrison,
Douglass of G,	Lane,
Field,	Simkins,

IN SENATE.

On motion of

SENATOR CAMP

The Senate adjourned until to-morrow morning, at 10 o'clock.

NINETEENTH DAY.

SENATE CHAMBER,)

AUSTIN, TEXAS, February 1, 1887. (

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.